

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROSS BARTON, } 2:11-CV-01536-PMP-RJJ  
Plaintiff, }  
vs. }  
STATE OF NEVADA DEPARTMENT }  
OF CORRECTIONS, et al., }  
Defendants. }

Before the Court for consideration is Defendant's fully briefed Motion to Dismiss, or Alternatively, Motion for Summary Judgment (Doc. #23) filed June 18, 2012. For the reasons set forth in Defendant's Motion, the Court finds that Defendants are entitled to the relief requested.

Specifically, the allegations set forth in Plaintiff's Amended Complaint (Doc. #8) fail to state plausible claims of retaliation against Defendant Starling to support his claim of violation of 42 U.S.C. § 1983. Moreover, the extensive record already developed in this case, supports Defendant's Motion for Summary Judgment because Plaintiff demonstrates no genuine issues of material fact to support allegations of mail tampering, or that Defendant Starling's search of Plaintiff's cell and subsequent disciplinary write-up were done for a reason other than to advance legitimate penalological goals, or that Plaintiff's First Amendment rights were, in fact, chilled by any retaliatory action.

**IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss (Doc. #23) is **GRANTED** and that the Clerk of Court shall forthwith enter judgment in favor of Defendant and against Plaintiff.

DATED: August 7, 2012.

Philip M. Orr

**PHILIP M. PRO**  
United States District Judge